

MONTANA LEGISLATIVE HISTORY

Chapter 488 19 75

Bill H 143 S _____

Original bill & history ✓ c

H. Committee on Moral Gov't.

Hearing Date(s) _____ c

1/24 ✓ c

_____ c

_____ c

Date Out 1/24 ✓ c

S. Committee on Moral Gov't.

Hearing Date(s) _____ c

3/15 ✓ c

_____ c

_____ c

out 3/20 ✓ c

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

2400 BILL NO. *143*

INTRODUCED BY *Harmon Palmer Henderson*
Henrich Johnson

1 adopted.

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR AND TO
REGULATE INTERIM MUNICIPAL ZONING REGULATIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Interim zoning ordinances -- when permitted
-- duration. The city or town council, or other legislative
body of such municipality, to protect the public safety,
health, and welfare and without following the procedures
otherwise required preliminary to the adoption of a zoning
ordinance, may adopt as an urgency measure, an interim
ordinance prohibiting any uses which may be in conflict with
a contemplated zoning proposal which the legislative body is
considering or studying or intends to study within a
reasonable time. Such interim ordinance shall take effect
upon passage; however, such interim ordinance shall be of no
further force and effect six (6) months from the date of
adoption thereof; provided, however, that after notice
pursuant to section 11-2704, and pursuant to public hearing,
the legislative body may extend such interim ordinance for
one (1) year. Any such extension shall require a two-thirds
(2/3) vote for passage and shall become effective upon
passage. Not more than two (2) such extensions may be

-2-

INTRODUCED BILL

H.B. 143

1975
House
LOCAL GOVERNMENT COMMITTEE

44 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 137	An Act to Require the County Governing Body to Establish a Schedule of Compensation for Officers and Employees of County Government; Repealing	1-17-75	Yardley	1-22-75	1-24-75 DO NOT PASS	1-24-75
HB 138	An Act to Amend Section 16-912, R.C.M. 1947, to Provide Salary Guidelines for Members of the County Governing Body; Increasing the Mileage.....	1-17-75	Yardley	1-22-75	1-24-75 DO PASS	1-24-75
HB 140	An Act to Amend Section 25-226, R.C.M. 1947, to Increase the Fees and Mileage Payable to the Sheriff for Service of Process.	1-17-75	Lory	1-24-75	1-24-75 DO NOT PASS	1-24-75
HB 143 ✓	An Act to Provide For and To Regulate Interim Municipal Zoning Regulations.	1-17-75	Kemmis	1-24-75	1-24-75 DO PASS	1-24-75
HB 150	An Act Amending Section 1-904, R.C.M. 1947, to Set the Minimum Number of Commissioners to be Appointed by a Municipal or Regional Airport Authority at Five.	1-20-75	Baeth, R	1-27-75	1-27-75 DO PASS	1-27-75
HB 151	An Act Amending Section 1-906, R.C.M. 1947, to Allow the Use of Sinking Funds for the Use, Repairs, Maintenance, and Capital Outlays of....	1-20-75	Baeth, R.	1-27-75	1-27-75 DO PASS	1-27-75

PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE

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The meeting was called to order at 8:00 A.M. by Chairman Gerke. The secretary called roll; all members present.

HOUSE BILL 91: Rep. Kendall, chief sponsor, explained that the bill provides for creation of a capital improvement fund, provides monies for the fund, and limitations on fund expenditure. Proponents were Dean Zinnecker, Executive Director of the Montana Association of Counties, and Ludwig G. Browman, Missoula County Commissioner, (Exhibit 1). There were no opponents. During the discussion of the bill, Rep. Gwynn asked for the definition of "acquisition of property". Dean Zinnecker replied that it would be to acquire property for parks, home for aged, etc.

HOUSE BILL 92: Rep. Kendall, chief sponsor, explained that this bill is to amend a previous statute because under present law as it now exists the limitation of purchasing by the county is \$4,000.00. The provision of protection remains the same for \$10,000.00. Dean Zinnecker, Executive Director of the Montana Association of Counties, proponent, explained that this bill would allow a county to purchase between four thousand dollars (\$4,000) and ten thousand dollars (\$10,000) by solicitation from suppliers who have filed with the commission a request, in writing, to be contacted for the purpose of bidding on items to be purchased. Ludwig G. Browman, Missoula County Commissioner, proponent, explained how this bill would help his county (Exhibit 2). Lawrence D. Huss, representative of the Montana Contractors Association, proponent, presented amendments to the bill for consideration of the committee. There were no opponents.

HOUSE BILL 140: Rep. Lory, chief sponsor, briefly explained the purpose of the bill. Proponent, Ludwig G. Browman, Missoula County Commissioner, who presented figures of the income and cost of providing the services of process by the sheriff in his county and a comparison of cost of services in Montana with Sonoma County in California (Exhibit 3). Dean Zinnecker, Executive Director of the Montana Association of Counties, and Cap Bryant, representing the Montana Sheriff & Peace Officers Association, spoke briefly in support of the bill. There were no opponents. Questions were asked by the committee as to cost to county and number of cases processed.

HOUSE BILL 141: Rep. Kemmis, chief sponsor, explained this bill would help solve problems involved in zoning by cities and towns and counties whereby they can adopt an interim ordinance prohibiting any use of the land which may conflict with a zoning proposal. Proponents were Jack Morton, Missoula Attorney; Dan Nisner, Executive Director of the Montana League of Cities and Towns; and Ludwig G. Browman, Missoula County Commissioner. There were no opponents to the bill.

LOCAL GOVERNMENT - JANUARY 24, 1975 - Page 3

HOUSE BILL 143: It was moved by Rep. Palmer, seconded by Rep. Robbins, that House Bill 143 DO PASS. Motion carried unanimously.

HOUSE BILL 137: It was moved by Rep. Kendall, seconded by Rep. O'Connell, that House Bill 137 DO NOT PASS. Motion carried unanimously.

HOUSE BILL 128: It was moved by Rep. Sivertsen and seconded that House Bill 128 DO PASS. Motion carried unanimously.

HOUSE BILL 61: It was moved by Rep. Sivertsen, seconded by Rep. Cwynn, that House Bill 61 DO PASS. Motion carried. Rep. Kendall voted no.

Meeting adjourned at 9:10 A.M.



Harold E. Gerke, Chairman



Yvonne Bergmann, Secretary

WITNESS STATEMENT

Name Timie/ Kemmis

Date 1-2-

Address 3618 South Third West

Support ?

Representing House District 100

Oppose ?

Which bill ? HE 143

Amend ?

Comments

NAME WILLIAMSON BILL NO. 12
ADDRESS 1004 W. Greenough Drive Date Jan 2
WHOM DO YOU REPRESENT? Self
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1975 Senate

44th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 24	1-18	1-30	1-30				1-30		
HB 25	1-17	1-30	1-30				1-30		
HB 26	1-31	3-7	3-7				3-7		
HB 37	1-23	2-13	2-13				2-13		
HB 61	1-28	3-15	3-15						3-15
HB 76	1-27	3-8	3-12				3-12		
HB 91	1-28	3-4	3-4				3-4		
HB 92	1-31	3-4	3-4				3-4		
HB 108	2-4	3-6 Transferred to Judiciary			3-8				
HB 112	2-7	3-8	3-12			3-12			
HB 117	1-28	3-6	3-7					3-7	
HB 138	1-30	3-10	3-12						3-12
HB 140	1-29	3-7	3-7					3-7	
HB 143	1-28	3-15, 20	3-20				3-20		
HB 150	1-31	3-5	3-5				3-5		
HB 151	1-31	3-5	3-5				3-5		
HB 176	2-26	3-11, 12, 13	3-18					3-13	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

CONSIDERATION OF HOUSE BILL 143: Representative Kemmis explained that he felt there is a need for an interim zoning law for the cities so he introduced this bill. This would help the city engaged in a comprehensive planning project until it could finish zoning and planning. If it had particular plans for a piece of land, that piece of land could be zoned during the interim to prevent someone from building on it or in any way disrupting their plans. Dan Mizner supported the bill.

There were no opponents.

The Committee questioned Representative Kemmis.

CONSIDERATION OF HOUSE BILL 180: Representative South explained that under the new Constitution it is mandatory that the state set the limits for bonding indebtedness for the cities and counties. This bill has been worked out to include any city-county consolidation that might take place under the new local government bills and does raise the limit from the old statute. Mike Sehestedt from the Commission on Local Government further explained the bill and the reasons for the increase in the limits.

There were no opponents.

The Committee questioned the witnesses.

DISPOSITION OF BILLS:

House Bill 185: Senator Cetrone made a motion that HB 185 BE NOT CONCURRED IN. Seconded by Senator Goodover. Motion carried.

House Bill 61: Senator Cetrone made a motion that HB 61 BE NOT CONCURRED IN. Seconded by Senator Goodover. Senator Thiessen made a substitute motion that HB 61 BE AMENDED to the figure of 55 mills rather than 65 mills. Seconded by Senator Murphy. Motion defeated. Senator Cetrone's motion that HB 61 BE NOT CONCURRED IN carried.

House Bill 143: Senator Cetrone made a motion that HB 143 BE CONCURRED IN. Seconded by Senator Watt. Motion carried but bill will be held for further consideration.

House Bill 180: Senator Cetrone made a motion that HB 180 BE CONCURRED IN. Seconded by Senators Watt and Goodover. Motion carried.

POLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

[illegible]

SENATE Local Government COMMITTEE

BILL _____

VISITORS' REGISTER

DATE 5-15

NAME	REPRESENTING	BILL #	(check on SUPPORT	O
Kenny Egan	Lewis & Clark County Local Study Commission	176 177 179		
Uttie Battger	" "	✓		
John Fitch	Bozeman Zoning Com.	143	✓	
Charles P. Mahon	Myself	176 179		
Daniel Kemmis	House District 100	143	✓	
Dale A. Harris	Commissioner Local Govt.	176 177 179	✓	
Michael W. Sehestedt	Commissioner Local Govt.	176 179 179 180	✓	
James L. Scott	Representative Dist 51	61 180		
Keith Anderson	Montana Legislature	61		
Edward W. Harrison	" " "	HB 61		
Dick Pace	Da City	HB 177 179	✓	
Mr. Wagoner	Self			
Alan Finnecker	Flt. Res. of Montana	HB 61	✓	
Tom Wynn	Montana Chamber			
Don HAZIOTT	City of Helena	HB 61 HB 143	✓	
Harold H. Hargrave	Gen'l. Lgeant of C. & G.	HB 61 HB 143	✓	
Al T. Hoffer	City of Helena	HB 143	✓	
Buddy Barger	etc	HB 143	✓	
John Lober	C. of Helena			

Don Kerns supported the bill on behalf of the city of Helena stating it would tremendously help their bus lines inasmuch as the Model Cities program which had been funding the lines is now over and they have no revenue to support it.

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Joe Wilson, from IGR, stated there is interest throughout the state on the bill and his department supports it.

Bill Emge from Helena Bus Lines also supported the bill.

Dan Mizner testified in support of the bill also.

Albert Erickson testified against the bill stating he had talked to the Highway Department and they didn't in fact have the money to fund this legislation. He stated he felt the only place it could come from would be the construction fund.

Terry Bass from the Montana Contractors Association also testified against the bill even though his organization makes some vehicles used in public transportation.

Rep. Fagg offered rebuttal to Mr. Erickson's testimony stated the bill specifically outlined the fact that the money would not and could not come from construction funds and that if the committee could further strengthen the language to this effect, he would not object. He also testified that he had contacted the Highway Department and there is funding available.

The Committee questioned the witnesses.

CONSIDERATION OF HOUSE BILL 254: Mr. Johnson, a probation officer from the 4th Judicial District explained that the bill is to have the county provide liability insurance for probation officers using their own vehicles for county business.

The Montana Association of Counties opposed the bill.

There were questions from the Committee.

DISPOSITION OF BILLS:

House Bill 143: There was a motion Saturday, March 15, by Senator Cetrone that HB 143 BE CONCURRED IN. Senator Watt seconded the motion. No action was taken.

Senator Story made a substitute motion that HB 143 BE NOT CONCURRED IN. Seconded by Senator McCallum. Motion defeated.

Senator Story made a substitute motion that HB 143 BE AMENDED as follows: Amend page 2, following line 1. Insert: "Section 2. Application to area within incorporated cities and towns only. The provisions of this act shall apply only to those areas within the boundaries of incorporated cities and towns."

Seconded by Senator McCallum. Motion defeated.

Motion by Senator Cetrone from March 15 was voted on and passed. HB 143 BE CONCURRED IN.

House Bill 284: Senator Goddover made a motion that HB 284 BE NOT CONCURRED IN. Seconded by Senator Cetrone. Motion carried.

House Bill 583: Senator McCallum made a motion that HB 583 BE CONCURRED IN. Seconded by Senator Thiessen.

Senator Cetrone made a substitute motion that HB 583 BE AMENDED as follows: Amend page 2, section 1, line 7. Following "or" insert "with" and after "representative" insert "whenever there is one". Seconded by Senator Romney. Motion defeated.

There was a motion made March 19, 1975, by Senator Cetrone that HB 583 BE NOT CONCURRED IN which was seconded by Senator Watt.

There was a substitute motion that HB 583 BE CONCURRED IN by Senator Story on March 19, 1975, which was seconded by Senator McCallum.

The motion by Senators Story and McCallum was voted on that HB 583 BE CONCURRED IN. Motion carried.

House Bill 254: Senator Cetrone made a motion that HB 254 BE CONCURRED IN AS AMENDED. Seconded by Senator Murphy. Motion carried. Amendments are as follows:

Amend title, page 6.
Following: "CITY"
Insert: "or county"

Amend page 1, section 1, line 15.
Following: "cities"
Insert: "or counties"

Amend page 1, section 1, line 24.
Following: "city"
Insert: "or county"

Amend page 2, section 1, line 6.
Following: "city"
Insert: "or county"

Amend page 2, section 1, line 13.
Following: "HIGHWAYS"
Insert: "in addition to any funds currently being allocated to cities or counties"

POLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

Dat

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STANDING COMMITTEE REPORT

March 20

19 75

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 143

Respectfully report as follows: That HOUSE Bill No. 143

BE CONCURRED IN

Chairman

HOUSE BILL NO. 143

INTRODUCED BY KEMMIS, PALMER, GUNDERSON, MELOY,

HUENNEKENS, JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR AND TO
REGULATE INTERIM MUNICIPAL ZONING REGULATIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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body of such municipality, OR THE CITY-COUNTY ZONING BOARD
WHERE ONE EXISTS, to protect the public safety, health, and
welfare and without following the procedures otherwise
required preliminary to the adoption of a zoning ordinance,
may adopt as an urgency measure, an interim ordinance
prohibiting any uses which may be in conflict with a
contemplated zoning proposal which the legislative body is
considering or studying or intends to study within a
reasonable time. Such interim ordinance SHALL ONLY BE
APPLICABLE WITHIN THE CORPORATE BOUNDARIES OF THE CITY OR
TOWN AND shall take effect upon passage; PROVIDED, HOWEVER,
A HEARING IS FIRST HELD UPON NOTICE REASONABLY DESIGNED TO
INFORM ALL AFFECTED PARTIES AND IN NO EVENT SHALL NOTICE BE
LESS THAN PUBLICATION IN AN APPROPRIATE NEWSPAPER AT LEAST
SEVEN (7) DAYS BEFORE THE HEARING; PROVIDED FURTHER,

however, such interim ordinance shall be of no further force
and effect six (6) months from the date of adoption thereof;
provided, however, that after notice pursuant to section
11-2704, and pursuant to public hearing, the legislative
body may extend such interim ordinance for one (1) year.
Any such extension shall require a two-thirds (2/3) vote for
passage and shall become effective upon passage. Not more
than two (2) such extensions may be adopted.

-End-

REFERENCE BILL